

Message Text

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DIA WASHDC/AH
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HQ USAF WASHDC/JACI/RDQJ
SECDEF WASHDC

S E C R E T NICOSIA 0113

E.O. 11652: GDS
TAGS: MARR, PINR, CY, US, UK
SUBJECT: CLAIMS IN CONNECTION WITH U-2 ACCIDENT

1. DATT MET WITH SBA CHIEF ADMINISTRATIVE OFFICER ADAMS JAN 11 AND DEVELOPED FOLLOWING INFORMATION. TWO CLAIMS RESULTING FROM U-2 ACCIDENT ON 3 DEC HAVE ALREADY BEEN RECEIVED BY UK OFFICIALS AT SOVEREIGN BASE AREA, AKROTIRI. MORE WILL CERTAINLY BE FILED. ONE CLAIM, THAT OF MR. FLAWN'S WIDOW FOR HIS PERSONAL EFFECTS LOST IN THE ACCIDENT, WILL PROBABLY BE RETURNED TO UK FOR PROCESSING. THE OTHER, FOR DAMAGES IN THE LOSS OF LIFE OF EMPLOYEE CHRISTOPHIS HANNIS, IN NOT BEING PROCESSED WHILE AWAITING THE DECISION OF MOD ON HOW IT SHALL BE HANDLED.

2. SBA OFFICIALS RECOMMENDED TO MOD THAT CLAIMS BE HANDLED UNDER THE PROVISIONS OF ARTICLE 8 OF THE NATO STATUS OF FORCES AGREEMENT (SOFA). WE UNDERSTAND THAT ARTICLE 8 STATES THAT US WOULD PAY 75 PERCENT AND UK 25 PERCENT OF CLAIMS AWARDED IN THIS
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CASE, THAT BOTH UK AND US WAIVES CLAIMS AGAINST THE OTHER IN REAL ESTATE/PROPERTY LOSSES, AND THAT UK CLAIM ADJUDICATION APPARATUS WOULD PROCESS ALL CLAIMS COMPLETELY. EXCEPT FOR THE ULTIMATE REIMBURSEMENT OF 75 PERCENT OF THE DAMAGES, CLAIMS WOULD BE HANDLED AS IF THE US WERE NOT AT ALL INVOLVED.

3. SBA CLAIMS OFFICER INFORMED US TODAY (13JAN) THAT MOD HAS

REJECTED 75/25 REIMBURSEMENT PLAN BUT IS CONSIDERING AN ALTERNATIVE WHICH IS IDENTICAL IN CONCEPT EXCEPT THAT US WOULD BE EXPECTED TO PAY 100 PERCENT OF SBA AWARDED CLAIMS. IT IS REPORTED, HOWEVER, THAT MOD QUESTIONS WHETHER SOFA PROVISIONS SHOULD BE APPLIED AT ALL IN CYPRUS. MOD CONCERN MAY REVOLVE AROUND SOFA CLAUSE UNDER WHICH UK WOULD NOT BE REIMBURSED FOR LOSS OF REAL PROPERTY AND EQUIPMENT, OF WHICH THERE WAS CONSIDERABLE.

4. WE BELIEVE THAT, WHATEVER THE RATION OF US/UK LIABILITY, UK THROUGH OFFICIALS IN THE SBA'S, SHOULD BE ENCOURAGED TO HANDLE ALL CLAIMS THROUGH ITS EXISTING, WELL-TRIED ADJUDICATION PROCEDURES.

5. IF, AS WE HOPE, CLAIMS ARE HANDLED ENTIRELY BY SBA ADJUDICATION MACHINERY, US INVOLVEMENT WOULD BE KEPT AS FAR BEHIND THE SCENES AS POSSIBLE WHILE ENSURING THAT THE VICTIMS RECEIVE FAIR AND JUST COMPENSATION.
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